

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division  
In Admiralty**

In the Matter of COEYMANS MARINE TOWING, LLC D/B/A CARVER MARINE TOWING as Owner and Operator of M/T Mackenzie Rose, (IMO No. 8968765) her cargo, engines, boilers, tackle, equipment, apparel, and appurtenances, etc., *in rem*, petitioning for Exoneration from or Limitation of Liability in allision with Norfolk and Portsmouth Belt Line Railroad Company Main Line Railroad Bridge occurring June 15, 2024 in and about the Elizabeth River, Virginia.

**Civil Action No: 2:24-cv-00490**

**JOINT MOTION TO MODIFY  
RULE 16(B) SCHEDULING ORDER**

Petitioner Coeymans Marine Towing, LLC dba Carver Marine Towing (“Petitioner” or “Carver”), and Claimants Norfolk and Portsmouth Belt Line Railroad Company (“Belt Line”) and Evanston Insurance Company, pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure and Local Civil Rule 7, jointly request that the Court extend expert disclosure and discovery deadlines set forth in Paragraph 2 of the Court’s Rule 16(b) Scheduling Order by one week. No change to Paragraphs 3, 4 or the trial date is requested or sought. In support thereof, the parties state as follows:

1. The parties, by counsel, conducted a meet and confer on June 8, 2025, to discuss, inter alia, expert disclosure and discovery deadlines set forth in Paragraph 2 of the Court’s Rule 16(b) Scheduling Order (“Scheduling Order”) [Doc. 56].

2. By agreement between the parties, in an effort to complete expert discovery in an orderly fashion, the parties propose the following modification to Paragraph 2, of the Rule 16(b) Scheduling Order as follows:

2. The party having the burden of proof upon the primary issue to which potential Rule 702, 703 or 705 evidence is directed shall identify expert witnesses to be proffered upon such an issue by name, residence and business address, occupation and field of expertise on **June 4, 2025**. The disclosure outlined in Rule 26(a)(2)(B) shall be made on **July 2, 2025**. In addition to the disclosures required by Rule 26(a)(2)(B), the same disclosure shall be made on the same dates regarding all witnesses proffered by a party for the purpose of presenting evidence under Rules 702, 703 or 705 of the Federal Rules of Evidence, whose first direct contact with the case or the parties occurred subsequent to the filing of this action. Rule 702, 703 or 705 disclosures intended solely to respond to, contract or rebut evidence on the same subject matter disclosed by another party pursuant to paragraph (a)(2)(B) of Rule 26, or pursuant to this order, shall be made on **August 8, 2025**. Any rebuttal disclosure by the party bearing the initial burden of proof shall be made on **August 22, 2025**, and shall be limited as to the source to expert witnesses previously identified. Further rebuttal to rule 702, 703 or 705 evidence shall be permitted only by leave of court.

3. Federal Rule of Civil Procedure 16(b)(4) provides that a “schedule may be modified only for good cause and with the judge’s consent.”

4. The proposed modifications would not affect Paragraphs 3, 4 pertaining to discovery deadlines and expert discovery, or the October 21, 2025 trial date, the final pretrial conference date, deadlines for filing dispositive motions, Rule 26(a)(3) pretrial disclosures, tendering proposed findings of fact and conclusions of law, or submission of exhibits and witness lists.

5. In addition, the parties have scheduled mediation in Norfolk, Virginia before Judge Thomas Shadrick of The McCammon Group for September 4, 2025.

WHEREFORE, the parties, Petitioner Coeymans Marine Towing, LLC d/b/a Carver Marine Towing and Claimants Norfolk and Portsmouth Belt Line Railroad Company and Evanston Insurance Company, by counsel, respectfully request pursuant to Federal Rule of Civil Procedure Rule 16(b)(4), that the Court allow the foregoing amendments of the Rule 16(b) Scheduling Order in accordance with the proposed Order submitted herewith.

Dated: July 9, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2025, a true and correct copy of the foregoing document was filed using the Court's CM/ECF system, which will serve all counsel of record by electronic mail as follows:

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